

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SPRIGGS CONSTRUCTION LLC)	
)	
_____)	CASE NO.
)	2021-00302
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Spriggs Construction LLC (Spriggs Construction) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

¹ KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Spriggs Construction for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Spriggs Construction violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Spriggs Construction shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 32271 in the Appendix to this Order is made a part of the record in this case.

4. Please note that notice of a hearing to be held in this matter will be mailed to Spriggs Construction once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED
JUL 21 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Linda C. Bidwell
Executive Director

Case No. 2021-00302

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00302 DATED JUL 21 2021

NINE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 32271
Incident Date 11/21/2019 2:44:00 PM	Report Submitted 12/20/2019 12:00:00 AM

OPERATOR INFORMATION

Operator Atmos Energy Corporation	Reported By Anthony Stallins
Phone (270) 779-4849	Email anthony.stallins@atmosenergy.
Incident Location 500 HAPPY VALLEY , GLASGOW 500 Happy Valley Rd Glasgow, KY 42141	Locate Ticket Number
Barren	

EXCAVATOR INFORMATION

Name of Excavator Gray, Evan	Organization ID
Phone 615-981-2798/931-787-4783	Email wendy@spriggscon.com
Excavator Address Spriggs Construction LLC 370 Reagan St Cookeville, TN 38501	Locate Ticket Number

INCIDENT

Locate Ticket Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
None	N/A	N/A	N/A	11/21/19	N/A	N/A

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized	\$5184.00	\$5184.00

The operator reports that Spriggs Construction, installing conduit and fiber, using a directional boring machine, bored into an 1 1/4" steel service. Spriggs Construction had two locate tickets (1910290789 & 1910290785). Both these tickets had expired. Spriggs Construction would expose

the service at the furthest point from the sidewalk due to a weak signal. However where the bore struck the gas line at the sidewalk, Spriggs Construction failed to expose and bored into the line. The 1 1/4" steel line had been correctly located at the spot of the damage.

INVESTIGATION

This would be the company's third violation. Previous incidents are 31674 and 31694.

Contact person on dig tickets is Wendy Gentry at 931.787.4783.

August 20, 2020

- Called 931.787.4783, was told Wendy's number is: 931.808.1767.

August 21, 2020

- Called 931.808.1767, left a v.m.

August 27, 2020

- In a conversation with Atmos, was informed that Spriggs was working for Ledcor on the Kentucky Wired project, and was provided with a contact person at Ledcor: Holly Hopkins-Scoville, 859.317.3881.
- Spoke with Ms. Holly Hopkins-Scoville, they are in the midst of a settlement with Spriggs, and she will include the requirement the Spriggs resolves all the violations with PSC in their settlement.

September 30, 2020

- Called Ms. Hopkins-Scoville, left a v.m.

January 22, 2021

- Called Ms. Hopkins-Scoville at 859.317.3881, left a v.m.

June 24, 2021

- Called Jim Spriggs at 931.787.4783, left a v.m.
- Called 931.250.5253, left a v.m.

June 29, 2021

- Having no response from Spriggs, a demand letter will be sent.

VIOLATION

KRS 367.4911 (10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 12/20/2019 Incident ID 32271

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32271\)](#)

Reported By:

Name	Anthony Stallins
Phone	(270) 779-4849
Email	anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date	11/21/2019
Time	2:44 PM

Details:

Reported Date	11/21/2019 10:16 PM
---------------	---------------------

Incident Location Address:

Location	500 HAPPY VALLEY , GLASGOW
Address	500 Happy Valley Rd
City	Glasgow
State	KY
County	Barren
Zip	42141
Confirm Code	Y

Number of Customers out 1

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere? *

3/2020

Locate Request Ticket No.

Excavator	Contractor
-----------	------------

Excavator Address:

First Name	Evan
Last Name	Gray
Organization ID	
Company	Spriggs Construction
Phone	615-981-2798/931-787-4783
Email	wendy@spriggscon.com

Address	370 Reagan St
City	Cookeville
State	TN
Zip	38501
Confirm Code	D
Excavation Damage	Failure to test-hole(pot hole)

Description of Incident Damaged 1 1/4" steel service line. Expired locate tickets. One customer off. No injuries.

Summary Information

12/20/2019

Full details such as the cause	Spriggs Construction, installing conduit and fiber, using a directional boring machine, bored into an 1 1/4" steel service. Spriggs Construction had two locate tickets (1910290789 & 1910290785). Both these tickets had expired. Spriggs Construction would expose the service at the furthest point from the sidewalk due to a weak signal. However where the bore struck the gas line at the sidewalk, Spriggs Construction failed to expose and bored into the line. The 1 1/4" steel line had been correctly located at the spot of the damage.
Extent of the damage	Atmos Energy crews would replace the entire service line.
Cost of the damage	\$5,184.00
Steps taken to prevent re-occurrence	We will invite Spriggs Construction to the next Atmos Energy Damage Prevention/KY 811 Dig Law Training in Bowling Green/Glasgow.
Amount billed to excavator	\$5,184.00

NORMAL NOTICE

Ticket : 1910290785 Date: 10/29/2019 Time: 10:33 Oper: WENDY.GENTRY.KY Chan:000

State: KY Cnty: BARREN City: GLASGOW
Subdivision:

Address :

Street : LEXINGTON DR

Cross 1 : HAPPY VALLEY RD

Location: FROM THE INTERSECTION - LOCATE HEADING NORTH FOR 300 FEET ON BOTH SIDES OF THE ROAD

:

Boundary: n 37.007050 s 37.004796 w -85.911617 e -85.910224

Work type : INSTALL CONDUIT AND FIBER

Done for : NG-KIH

Start date: 10/31/2019 Time: 10:45 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 6 FEET

Company : SPRIGGS CONSTRUCTION Type: CONT

Co addr : 113 TN RT 70 E

City : CROSSVILLE State: TN Zip: 38555

Caller : WENDY GENTRY Phone: (931)787-4783

Contact : EVAN GRAY - CELL Phone:

Mobile : (615)981-2798

Email : WENDY@SPRIGGSCON.COM

Submitted date: 10/29/2019 Time: 10:33

Members: 0421 0432 0569 0698 WINKY

Service Area: 0432 (ATMOS ENERGY)

Contact:

Ph: Emerg Ph: Alt Ph:

Service Area: 0569 (GLASGOW ELECTRIC PLANT BOARD)

Contact:

Ph: Emerg Ph: Alt Ph:

Service Area: 0421 (GLASGOW WATER COMPANY)

Contact:

Ph: Emerg Ph: Alt Ph:

Service Area: 0698 (SOUTH CENTRAL RURAL TELECOMMUNICATIONS COOPERATIVE)

Contact:

Ph: (270) 678 - 8200 Emerg Ph: Alt Ph:

Service Area: WINKY (WINDSTREAM KENTUCKY INC)

Contact:

Ph: (800) 289 - 1901 Emerg Ph: Alt Ph:

NORMAL NOTICE

Ticket : 1910290789 Date: 10/29/2019 Time: 10:34 Oper: WENDY.GENTRY.KY Chan:000

State: KY Cnty: BARREN City: GLASGOW
Subdivision:

Address :

Street : HAPPY VALLEY RD
Cross 1 : LEXINGTON DR

Location: FROM THE NORTHWEST CORNER OF THE INTERSECTION - LOCATE HEADING
SOUTHEAST FOR 1191 FEET ON THE NORTH SIDE OF THE ROAD - ENDING AT AT N RACE
STREET

:

Boundary: n 37.005865 s 37.003574 w -85.911627 e -85.907409

Work type : INSTALL FIBER

Done for : NG-KIH

Start date: 10/31/2019 Time: 10:45 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 6 FEET

Company : SPRIGGS CONSTRUCTION Type: CONT

Co addr : 113 TN RT 70 E

City : CROSSVILLE State: TN Zip: 38555

Caller : WENDY GENTRY Phone: (931)787-4783

Contact : EVAN GRAY - CELL Phone:

Mobile : (615)981-2798

Email : WENDY@SPRIGGSCON.COM

Submitted date: 10/29/2019 Time: 10:34

Members: 0421 0432 0569 0698 WINKY

Service Area: 0432 (ATMOS ENERGY)

Contact:

Ph: Emerg Ph: Alt Ph:

Service Area: 0569 (GLASGOW ELECTRIC PLANT BOARD)

Contact:

Ph: Emerg Ph: Alt Ph:

Service Area: 0421 (GLASGOW WATER COMPANY)

Contact:

Ph: Emerg Ph: Alt Ph:

Service Area: 0698 (SOUTH CENTRAL RURAL TELECOMMUNICATIONS COOPERATIVE)

Contact:

Ph: (270) 678 - 8200 Emerg Ph: Alt Ph:

Service Area: WINKY (WINDSTREAM KENTUCKY INC)

Contact:

Ph: (800) 289 - 1901 Emerg Ph: Alt Ph:

Gowins, John E (PSC)

From: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Sent: Wednesday, August 19, 2020 1:40 PM
To: Gowins, John E (PSC)
Cc: Stallins, Anthony A
Subject: FW: Spriggs Construction

John,

Per Lisa, the bill was never paid.

Thanks, Anthony

From: Whitney, Lisa S <Lisa.Whitney@atmosenergy.com>
Sent: Wednesday, August 19, 2020 12:18 PM
To: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: RE: Spriggs Construction

Hey Anthony!

Looks like this one was sent to collection then written off.

Lisa S Whitney

Operations Assistant
Atmos Energy Corporation
Kentucky-Mid-States Division
270-901-1711 Office
270-842-0228 Fax
Lisa.Whitney@atmosenergy.com

From: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Sent: Wednesday, August 19, 2020 12:08 PM
To: Whitney, Lisa S <Lisa.Whitney@atmosenergy.com>
Subject: Spriggs Construction

Lisa,

John Gowins, KY PSC, is needing to know if Spriggs Constuction paid for the damage at 500 Happy Valley Rd, Glasgow.
PSD ID: 32271, Leak Asset 708975.

Thanks, Anthony



Tennessee Secretary of State

Tre Hargett

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Business Entity Detail

Available Entity Actions	File Annual Report
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Entity details cannot be edited. This detail reflects the current status of the filing in the system.

Return to the [Business Information Search](#).

000857353: Limited Liability Company - Domestic Printer Friendly Version

Name: Spriggs Construction, LLC

Status: Active **Initial Filing Date:** 07/15/2016

Formed in: TENNESSEE **Delayed Effective Date:**

Fiscal Year Close: December **AR Due Date:** 04/01/2020

Term of Duration: Perpetual **Inactive Date:**

Principal Office: 6130 Highway 70 N
Crossville, TN 38571-3636 USA

Mailing Address: 6130 Highway 70 N
Crossville, TN 38571-3636 USA

AR Exempt: No **Obligated Member Entity:** No

Managed By: Member Managed **Number of Members:** 1

[Assumed Names](#)

[History](#)

[Registered Agent](#)

Name	Status	Expires
No Assumed Names Found...		

Division of Business Services
 312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor
 Nashville, TN 37243
 615-741-2286
 8:00 a.m. until 4:30 p.m. (Central) Monday - Friday.
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Business Filings and Information (615) 741-2286 TNSOS.CORPINFO@tn.gov
 Certified Copies and Certificate of Existence (615) 741-6488 TNSOS.CERT@tn.gov
 Motor Vehicle Temporary Liens (615) 741-0529 TNSOS.MVTL@tn.gov
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Uniform Commercial Code (UCC) (615) 741-3276 TNSOS.UCC@tn.gov
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 Apostilles & Authentications (615) 741-0536 TNSOS.ATS@tn.gov
 Summons (615) 741-1799 TNSOS.ATS@tn.gov
 Trademarks (615) 741-0531 TNSOS.ATS@tn.gov
 Nonresident Fiduciaries (615) 741-0536 TNSOS.ATS@tn.gov

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*Spriggs Construction LLC
6130 Hwy 70 N
Crossville, TENNESSEE 38571